

Jan 02, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LYNETTE M. S.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:17-CV-00388-SMJ

**ORDER ADOPTING REPORT
AND RECOMMENDATION TO
CLOSE FILE**

Before the Court, without oral argument, is Magistrate Judge Rodgers's December 13, 2018 Report and Recommendation, ECF No. 13, recommending that summary judgment be granted in Plaintiff's favor. The period for filing objections has passed and no party has objected. After reviewing the Report and Recommendation and relevant authorities, the Court finds that Magistrate Judge Rodgers's findings are correct. Therefore, the Court adopts the Report and Recommendation in its entirety.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Report and Recommendation, **ECF No. 13**, is **ADOPTED** in its entirety.

ORDER ADOPTING REPORT AND RECOMMENDATION TO CLOSE FILE -

1 2. Plaintiff's Motion for Summary Judgment, **ECF No. 10**, is
2 **GRANTED.**

3 3. The Commissioner's Motion for Summary Judgment, **ECF No. 12**, is
4 **DENIED.**

5 4. The Court enters **JUDGMENT** in favor of Plaintiff **REMANDING**
6 this matter to the Commissioner for further proceedings consistent
7 with this Order pursuant to sentence four of 42 U.S.C. § 405(g).


8 A. The ALJ shall determine whether, and if so when, medical
9 improvement occurred; properly address the opinion of the
10 medical expert Dr. Thompson; properly consider Plaintiff's
11 symptom statements; and make a new residual functional
12 capacity determination if medical improvement is established.
13 The ALJ shall supplement the record with any outstanding
14 evidence and call a vocational expert to testify at the remand
15 proceedings.

16 5. All hearings and other deadlines are **STRICKEN**.

17 6. The Clerk's office is directed to **CLOSE** this case.

1 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
2 provide copies to all counsel.

3 **DATED** this 2nd day of January 2019.

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6 SALVADOR MENDOZA, JR.
7 United States District Judge
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